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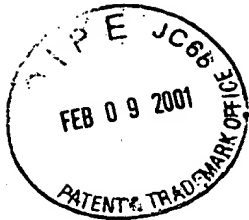
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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/287,707 04/07/99 MIZUTANI

11757
1032736

EDWARD W GREASON
KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

PM92/1206

RECEIVED

FEB 13 2001

TO 3600 MAIL ROOM

EXAMINER

ART UNIT	PAPER NUMBER
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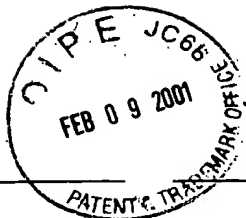
3613
DATE MAILED:

12/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/287,707

Applicant(s)

MIZUTANI ET AL.

Examiner

Robert A Siconolfi

Art Unit

3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 4-20 and 22-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 21 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

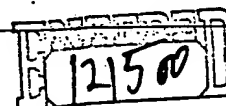
Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:



DETAILED ACTION

1. Election filed on 10/13/00 has been received.

Election/Restrictions

2. Applicant's election with traverse of Species C in Paper No. 5 is acknowledged. The traversal is on the ground(s) that The search would not be burdensome. This is not found persuasive because the separate sepecies have distinct differences. There are two modes of activation (lever and pressure cylinder), numerous failsafe methods (check valve 230, switch valve 210) and numerous different master cylinder structures.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 4-20, and 22-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Applicant submitted claims 1-3 and 35 which are generic read upon the elected species. The examiner agrees with this statement. The applicant also submits that claim 16 reads upon the elected species. The examiner disagrees. Instant claim 16 requires an emergency communicating device between the assisting pressure chamber and the pressure chamber. Such a device does not appear in the elected species. The examiner submits that instant claim 21 reads upon the species and in the interests of furthering prosecution has examined this claim. The applicant has also requested the combining of species B and C. As it currently stands instant claim 21 reads upon both species B

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and C, however, such an action implies that there is no patentable distinction between having a separate housing with lever actuation and have an assisting cylinder setup. Therefore, either setup would be obvious in view of the other.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3,21, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorenson (U.S. Patent no. 5,549,361).

Brake operating member 72, master cylinder not shown but attached to the output of the boost device (cylinder housing , pressuring piston, pressure chamber), assisting device 24 (master cylinder characteristic control device) [assisting cylinder , assisting piston, high pressure source 18, reservoir 22, solenoid pressure control valve device 50,32], emergency reservoir communication device102

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ganzel, Schonlau, Willman, and Kellner et al all teach boost devices.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Siconolfi whose telephone number is (703) 305-0580. The examiner can normally be reached on M-F 8 am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Oberleitner can be reached on (703) 308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Robert A Siconolfi
Examiner
Art Unit 3613

RS
December 4, 2000

ROBERT J OBERLEITNER
SUPERVISOR
ART UNIT CENTER 3600

19/287707

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 4/7/99 are:

A. ☒ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ☐ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
Black ink. Color.

Color drawings are not acceptable until petition is granted.

Fig(s) _____
Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84 (b)

1 full-tone set is required. Fig(s) _____
Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____
Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable.
Fig(s) _____
Erasures, alterations, overwritings, interlineations,
folds, copy machine marks not accepted. Fig(s) _____
Mylar, velum paper is not acceptable (too thin).
Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4)
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
All drawing sheets not the same size.
Sheet(s) _____

Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm
SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) _____
Top (T) Left (L)
Right (R) Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity.
Fig(s) _____
Views not labeled separately or properly.
Fig(s) _____
Enlarged view not labeled separately or properly.
Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

Hatching not indicated for sectional portions of an object.
Fig(s) _____
Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.
Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS.

37 CFR 1.84(i)
Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).
Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) _____
Solid black shading not permitted. Fig(s) _____
Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)
Numbers and reference characters not plain and legible.
Fig(s) _____
Figure legends are poor. Fig(s) _____
Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)
Fig(s) _____
English alphabet not used. 37 CFR 1.84(p)(2)
Figs _____
Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)
Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) _____
Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948 dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) _____
Solid black shading not used for color contrast.
Fig(s) _____

COMMENTS

Express 1 EL 039757800

Sheet 2 of 2

FORM 1449
(REV. 7-60)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

1832/36

SERIAL NO.

To Be Assigned

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Yasuji MIZUTANI et al.

FILING DATE

Herewith

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
NA	AL	7 1 7 38 8 A	1/20/95	Japan			English Summary	
	AM							
	AN							
	AO							
	AP							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	
	AT	

EXAMINER

W. L. T. A. ...

DATE CONSIDERED

7/2/4/00

FORM PTO-1449
(REV. 7-80)

U.S.
PATENT

DEPARTMENT OF COMMERCE
TRADEMARK OFFICE

ATTY. DOCKET NO.
1832/36

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AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
AL 4 3 2 80 64 A	11/17/92	Japan			English Summary
AM 5 7 1 8 65 71 A	11/17/82	Japan			English Summary
AN 4 3 1 16 0A	2/3/92	Japan			English Summary
AO 4 5 15 9 A	1/9/92	Japan			English Summary
AP 4 5 00 6 9A	2/19/92	Japan			English Summary

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	
AS	
AT	

EXAMINER

Robert S. Nicolai

DATE CONSIDERED

12/4/00

whether or not citation is in conformance with MPEP 609; Draw line through citation in communication to applicant.

Notice of References Cited	Application/Control No. 09/287,707		Applicant(s)/Patent Under Reexamination MIZUTANI ET AL.	
	Examiner Robert A Siconolfi		Art Unit 3613	Page 1 of 1

U.S. PATENT DOCUMENTS								
*	A	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	DOCUMENT SOURCE **	
							APS	OTHER
<input type="checkbox"/>	A	4914917	Apr. 1990	Schonlau	60	545	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B	5044700	Sep. 1991	Willmann	303	114.1	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	C	5531509	Jul. 1996	Kellner et al	303	114.1	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	D	5549361	Aug. 1996	Sorensen	303	10	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	E	6053582	Apr. 2000	Ganzel	303	114.1	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	F						<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	S							<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	T							<input type="checkbox"/>	<input type="checkbox"/>

NON-PATENT DOCUMENTS									
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<input type="checkbox"/>	V		<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	W		<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	X		<input type="checkbox"/>	<input type="checkbox"/>					

*A copy of this reference is not being furnished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)

**APS encompasses any electronic search i.e. text, image, and Commercial Databases.

U.S. Patent and Trademark Office

PTO-892 (Rev. 03-98)

Notice of References Cited

Part of Paper No. 6